

ASSEMBLY BILL

No. 1639

Introduced by Assembly Member Firebaugh

February 21, 2003

An act to amend Section 917.8 of the Code of Civil Procedure, relating to appeals.

LEGISLATIVE COUNSEL'S DIGEST

AB 1639, as introduced, Firebaugh. Appeals: nuisance.

Existing law provides that the perfecting of an appeal stays proceedings, with specified exceptions, including, but not limited to, if a judgment or order adjudges a building or place to be a nuisance, and as part of that judgment or order directs the closing or discontinuance of any specific use of the building or place for any period of time.

This bill would also prohibit a stay of proceedings, if part of a judgment, injunction, or order directs the discontinuance of the nuisance.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 917.8 of the Code of Civil Procedure is
2 amended to read:
3 917.8. The perfecting of an appeal ~~shall~~ *does* not stay
4 proceedings, in the absence of an order of the trial court providing
5 otherwise or of a writ of supersedeas, ~~where~~ *under any of the*
6 *following circumstances:*

1 (a) If a party to the proceeding has been adjudged guilty of
2 usurping, or intruding into, or unlawfully holding a public office,
3 civil or military, within this state,~~or where~~.

4 (b) If the judgment or order directs a corporation, or *any of its*
5 officers or agents, ~~or any of them~~, to give to a person adjudged to
6 be a director, stockholder, or member of ~~such~~ *that* corporation a
7 reasonable opportunity to inspect or make copies of ~~such~~ *the*
8 books, papers, or documents of the corporation as the trial court
9 finds that ~~such~~ *the* director, stockholder, or member is entitled by
10 law to inspect or copy, ~~or where the~~.

11 (c) If a judgment, *injunction*, or order adjudges a building or
12 place to be a nuisance, and as part of ~~such~~ *that* judgment,
13 *injunction*, or order directs the *discontinuance of the nuisance, or*
14 *the* closing or discontinuance of any specific use of the building or
15 place for any period of time.

